



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

257

CRM-M-32002-2020(O&M)
Date of Decision: 22.05.2025

SANJEEV KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. H.N.Sahu, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C., is for quashing of FIR No.657 dated 19.08.2017 (Annexure P-1) registered under Sections 364, 366A and 34 IPC at Police Station Camp Palwal, District Palwal and order dated 19.09.2020 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Palwal, vide which warrants of arrest have been issued against the petitioner and all subsequent proceedings arising therefrom qua the petitioner.

2. Learned counsel for the petitioner, inter alia, submits that the petitioner was in a consensual relationship with the victim/respondent No.2 herein. The present FIR was registered on the basis of complaint moved by respondent No. 3-father of the victim alleging therein that on 18.08.2017, the petitioner had enticed away the victim/respondent No.2 with the intention to marry her. It is submitted that after the prosecutrix attained majority, she and the petitioner solemnized marriage on 20.11.2019, as is evident from copy of marriage certificate (Annexure P-3). Learned counsel



submits that out of their wedlock, two children been born. It is stated that both, the petitioner and respondent No. 2 are residing happily. Reliance is placed on the judgment passed by this Court in CRM-M-2144-2015 titled as *“Gulam Rasul and others Vs. State of Punjab and Ors.”*

3. Learned counsel for respondent No.2-victim affirms that aforesaid submissions of learned counsel for the petitioner to be true.

4. Per Contra, learned counsel for the State objects to the prayer for quashing of the impugned FIR (Annexure P-1) and submits that grave, serious and specific allegations have been made against the petitioner by respondent No. 3-complainant, in view of which the present petition deserves to be dismissed.

5. Heard the contentions advanced the learned counsel for the parties and perused the judicial file.

6. This Court while issuing notice of motion vide order dated 23.10.2024, directed the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the factum of the marriage between the parties.

7. Pursuant to the aforesaid order, report dated 03.02.2025 has been received from the Chief Judicial Magistrate, Palwal. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the marriage of the petitioner with respondent No.2 was solemnized on 20.11.2019 and they are living together happily as husband and wife and also have two children from their wedlock. It was also stated that the matter stands amicably resolved between the parties, who pray for quashing of the present FIR.



8. The Hon'ble Supreme Court when faced with similar circumstances in ***Mafat Lal v. State of Rajasthan 2022(2) RCR (Criminal) 743***, quashed the FIR against the appellant therein by observing that;

“7. Before this Court , also the abductee has joined the accused as appellant No.2. Once again similar stand has been taken as was taken before the High Court . Both the appellants have filed separate affidavits. Appellant No.2 has specifically stated before the High Court as also before this Court that she had left her parental home on her own free volition. The appellants are married since December 2006 and have been living happily. They have also been blessed with a son in the year 2014 who would now be 8 years old. No fruitful purpose would be served by relegating the matter for conducting the trial as the same would not be conducive for either of the appellants. It would be a futile exercise. Kidnapping would necessarily involve enticing or taking away any minor under eighteen years of age if a female for the offence under Section 363 IPC. In the present case, the abductee had clearly stated that she was neither taken away nor induced and that she had left her home of her own free will. Section 366 IPC would come into play only where there is a forceful compulsion of marriage, by kidnapping or by inducing a woman. This offence also would not be made out once the appellant no. 2 the abductee has clearly stated that she was in love with the appellant no.1 and that she left her home on account of the disturbing circumstances at her parental home as the said relationship was not acceptable to her father and that she married appellant no.1 on her own free will without any influence being exercised by appellant no.1.”

9. Reverting to present petition, this Court is of the considered view that since the petitioner and respondent No.2 are now happily married and also have two children from their wedlock, continuing with the criminal proceedings will cause undue harassment to the petitioner and also to respondent No.2 and their children.



10. As a fallout, the present petition is **allowed** and FIR No. 657 dated 19.08.2017 (Annexure P-1) registered under Sections 364, 366A and 34 IPC at Police Station Camp Palwal, District Palwal and order dated 19.09.2020 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Palwal, and all subsequent proceedings arising therefrom are quashed qua the present petitioner ***subject to the costs of Rs. 10,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within one month.***

Pending application(s), if any, also stands disposed of accordingly.

22.05.2025

Kavita

Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No